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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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MARYANN BUTLER and

AUDURY PETIE DAVIS,

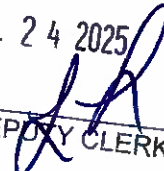
Plaintiffs,

v.

NEW AMERICAN FUNDING,

Defendant.

Civil Action No. 1:25-cv-00690

**FILED**  
HARRISBURG, PA  
JUL 24 2025  
PER   
DEPUTY CLERK

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**JUDICIAL NOTICE OF COUNSEL IRREGULARITIES AND PROCEDURAL  
MISCONDUCT TO PRESERVE APPELLATE RECORD**

Plaintiffs Maryann Butler and Audury Petie Davis respectfully submit this Judicial Notice to alert the Court to ongoing procedural misconduct, apparent conflicts of interest, and violations of Rule 11(b) involving both former counsel James McNally and newly emergent communications from John Q. Howard, an attorney not formally entered as counsel of record. This filing is made to preserve issues for appellate review and to document irregular behavior now infecting the record at multiple levels.

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**I. Improper Threats and Procedural Irregularities by John Q. Howard**

On July 22, 2025, Plaintiffs received a direct communication from attorney John Q. Howard, who is neither counsel of record in this matter nor listed in any Notice of Appearance. Despite this, Mr. Howard issued improper legal threats, demanded withdrawal of filings already submitted to this Court, and issued strategic instructions under the guise of representation. At no point has this Court recognized Mr. Howard as substituted counsel under Local Rule 83.15 or Rule 11(a) of the Federal Rules of Civil Procedure, yet he has inserted himself into the record.

This activity constitutes an unauthorized interference with the record and raises serious ethical concerns regarding misrepresentation and improper conduct under Pennsylvania Rule of Professional Conduct 4.1.

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## **II. Conflicted Affiliations and Misleading Representations**

Mr. Howard is publicly affiliated with Fox Rothschild LLP as of July 22, 2025, as evidenced by a LinkedIn announcement posted by him that same day. However, when Mr. Howard's name is searched in legal databases, he remains linked to Cohen Seglias Pallas Greenhall & Furman PC, the same firm that previously employed James McNally, who is still listed as counsel of record in this case.

This raises fundamental questions:

- Was Mr. Howard ever formally retained by New American Funding or is he simply operating as an informal actor?
- Did McNally, facing imminent sanctions or procedural exposure, deploy Mr. Howard in an attempt to redirect or derail pending motions?

Plaintiffs request that this Court take judicial notice of this ambiguity, which may reflect either bad-faith maneuvering or intentional concealment of representation.

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## **III. Defendant's Counsel Has Failed to Respond to Material Filings**

Despite being served with a 24-hour notice regarding third-party harm (sent July 22, 2025), Mr. McNally failed to respond. This silence follows a sustained pattern of procedural evasion and non-responsiveness, including his failure to:

- Respond to the Verified Curative Complaint filed July 14, 2025;
- Respond to the Emergency Judicial Notice (ECF 40) and Notice of Procedural Discrepancy (ECF 41);
- Acknowledge the Court's July 11 Order striking Plaintiffs' filings;
- Address third-party legal threats tied directly to Defendant's misconduct.

As of this filing, no adverse action letter has ever been issued by Defendant, making it impossible for Plaintiffs to comply with third-party contractual demands and exposing them to escalating civil liability.

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#### **IV. Judicial Record Is Now at Risk of Contamination**

This case now implicates multiple levels of judicial integrity. Specifically:

- The docket contains irregularities, including unstruck filings that violate the July 11 Order;
- The record has not been ruled upon despite the passage of key procedural deadlines;
- Counsel with no formal status is interfering with litigants under color of representation.

These developments may trigger an automatic expansion of appellate jurisdiction under 28 U.S.C. § 1292 and raise serious questions about whether the Court's impartiality can be preserved.

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#### **V. Relief Requested**

Plaintiffs respectfully request that this Court:

1. Take judicial notice of the facts above for record preservation;
  2. Acknowledge that Mr. John Q. Howard has no formal standing to issue threats or demands under Rule 11;
  3. Permit Plaintiffs to reserve all rights to seek sanctions and referral for misconduct at a later procedural stage;
  4. Allow this filing to stand as a record-building notice for all appellate purposes under Federal Rule of Appellate Procedure 10(e).
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## **Footnote**

**\*Plaintiffs have catalogued all relevant correspondence and communications referenced herein as follows:**

- **Exhibit B1 – Second threat letter from American Remodeling;**
- **Exhibit B2 – 24-Hour notice letter sent to James McNally;**
- **Exhibit C1 – Email from John Q. Howard containing improper threats;**
- **Exhibit C2 – LinkedIn screenshot showing John Q. Howard's affiliation with Fox Rothschild LLP.\***

**Plaintiffs reserve the right to formally attach these as exhibits in support of future motions or appellate submissions.**

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**Respectfully submitted,**

**/s/ Audury Petie Davis**

**Audury Petie Davis**

**2041 Greenwood Street**

**Harrisburg, PA 17104**

**717-424-8220**

**mfmallah87@icloud.com**

**Pro Se Plaintiff**

**Dated: July 23, 2025**

**VERIFICATION**

I, Audury Petie Davis, hereby verify that the statements made in the foregoing Judicial Notice are true and correct to the best of my knowledge, information, and belief. The attached exhibits labeled B1 through C2 are true and accurate copies of correspondence, digital communications, and public records as received or observed by me.

I understand that false statements made herein are subject to penalties of perjury under 28 U.S.C. § 1746 and other applicable laws.

Executed this 23rd day of July, 2025.

Respectfully submitted,

/s/ Audury Petie Davis

Audury Petie Davis

2041 Greenwood Street

Harrisburg, PA 17104

717-424-8220

Mfmallah87@icloud.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of July, 2025, I served a true and correct copy of the foregoing Judicial Notice and attached Exhibits B1 through C2 upon counsel for Defendant via U.S. Mail, first class postage prepaid, addressed as follows:

James A. McNally

Jmcnally@cohenseglia.com

Respectfully submitted,

/s/ Audury Petie Davis

Audury Petie Davis